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DATE: 10/18/04 ATTORNEY DOCKET NUMBER: KCC 4760 (K-C 13,369)PTO FACSIMILE NUMBER: (703) 872-9306PLEASE DELIVER THIS FACSIMILE TO: Jacqueline F. Stephens
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Signature DateType of paper transmitted: Comments on Statement of Reasons for:
AllowanceApplicant's Name: David A. Kuen et al.Serial No. (Control No.): 10/003,970Examiner: Jacqueline F. StephensFiling Date: October 31, 2001 Art Unit: 3761Application Title: CONTAINMENT FLAPS FOR ABSORBENT ARTICLEIF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS
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KCC 4760 (K-C 13,369)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David A. Kuen, et al. Art Unit: 3761
Serial No.: 10/003,970
Filed: October 31, 2001
Confirmation No.: 6570
For: CONTAINMENT FLAPS FOR ABSORBENT ARTICLE
Examiner: Jacqueline F. Stephens

October 18, 2004

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

TO THE COMMISSIONER FOR PATENTS,
SIR:

Applicants acknowledge receipt of the Notice of Allowance and Fee(s) Due dated September 22, 2004.

Regarding the Examiner's statement of reasons for allowance, it is noted that claim 37 is an allowed independent claim that was not addressed by the Examiner in the Examiner's statement of reasons for allowance set forth in paragraph 2 of the Notice of Allowability.

It is submitted that a reason for the allowance of claim 37 and the claims depending therefrom is that the cited prior art neither teaches nor fairly suggests the combination of features recited therein. Claim 37, as set forth in pages 11 and 12 of Amendment B dated May 27, 2004, is directed to a disposable absorbent article for personal wear comprising:

an inner layer adapted for contiguity with the wearer's skin, at least a portion of said inner layer being liquid permeable;

an outer layer in opposed relation with the inner layer;

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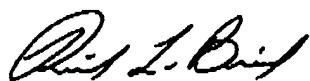
an absorbent body disposed between the inner layer and the outer layer of said article for absorbing liquid body waste; and a pair of containment flaps secured to the article in spaced relation with each other, each flap having a base secured to said article and a distal end, at least a portion of the distal end being movable relative to said base to a position in which said distal end is spaced from the inner layer of said article, said containment flaps each comprising:

a first layer extending from the base of the flap to the distal end of said flap, said flap first layer having a lateral surface and a medial surface; and

a liquid permeable second layer in opposed relation with the medial surface of the flap first layer, said flap second layer being free from fixed engagement with at least a portion of the medial surface of said flap first layer to define a surge chamber therebetween for receiving liquid body waste, said flap second layer being secured to the medial surface at a first seam therebetween generally at the distal end of the flap and being further secured to the medial surface at a second seam spaced from said first seam, said portion of the medial surface of the flap first layer extending between the first seam and the second seam, said liquid permeable portion of the inner layer of said article being interposed between the surge chamber and the absorbent body of said article.

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Respectfully submitted,



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